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COPY OF MEMORIAL

AND

A N S W E R.

1800.

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Sloe-Lane, London.*

COPY OF MEMORIAL

1873

ANSWER

1873



Printed by H. K. G. & Co. Ltd.
London, W.C.

MEMORIAL.

Dec. 18, 1800.

APPEARED personally *Phineas Jacob*, of the City of *Norwich*, and made Oath, that the Contents of the Petition hereunto annexed, and to which he hath set and subscribed his Name, were and are true in every Respect, as he verily and in his Conscience believes.

*Sworn the Eighteenth Day
of December One Thou-
sand Eight Hundred.*

PHINEAS JACOB.

Before me,

C. COOTE, *Surr.*

Present,

HENRY STEEVENS, *Not. Pub.*

*To the Right Honourable the Lords Commissioners of
His Majesty's Treasury.*

The Humble Petition of PHINEAS JACOB, of the
City of *Norwich*,

Humbly Sheweth,

THAT your Petitioner had the honour of presenting to your Lordships a Petition in the month of July last, on behalf of himself and others, Owners of a private Ship of War, called *The Daphne*, whereof *Thomas Abbott* was Commander, (and to which Petition he humbly prays your Lordships to refer.)

THAT your Petitioner has been informed that

your Lordships were pleased to refer his said Petition to his Majesty's Procurator General for his Report thereon; and he has also been informed, that the said Procurator General has made his Report; but that your Petitioner, altho' he has several times attended at the Treasury, has not been able to obtain any official information respecting such Report, or that the prayer that he made had been granted.

THAT your Petitioner being desirous to know the effect of his Petition, and to give your Lordships every further information respecting this Case, most humbly begs leave to lay before your Lordships this further Statement.

THAT altho' the property was near £18,000. which was condemned, yet it was subject to very considerable deductions before any distribution took place: That is to say,

£. s. d.

Paid the Charges of fitting out the Daphne before she sailed on the cruise in which the Clarissa was taken - 387 10 0

Paid for the Insurance of the Ship and Cargo from Fire, whilst she lay at Shields for six months, supposing the value £30,000. at a quarter per cent. - 75 0 0

Paid Mr. William Rowes his Bill for his Disbursements, Commission, &c. whilst at Newcastle - 678 12 0



£. s. d.

Paid the Expences of Mr. George Skelton's going first to Newcastle and Shields, to get the Mate and two of the Crew examined by the Actuary at Shields - - - - -

56 8 0

Paid him for his time and trouble

21 0 0

Paid the Mate his Expences to London to be re-examined, and back to Shields - - - - -

18 12 0

To my own Expences to Newcastle post, fitting the Ship to bring her round to the Port of London, Custom-House Fees, Light Money, and Post back to London - - -

168 9 0

Paid the hire of twelve Men and a Pilot to bring the Ship round to London - - - - -

145 0 0

Paid Victualling the Ship to London, &c. - - - - -

27 0 0

Paid Messrs. Reid, Irving and Co. Insurance on the Ship and Cargo to London, taking the same to be of the value of £30,000. at two and a half per cent. - - - - -

787 10 0

Paid the said Messrs. Read and Co. their Commission, and for the Policy

113 6 0

Paid Mens Wages for looking after the Ship and Cargo, whilst lying in the River Thames, and getting out her Cargo - - - - -

68 13 0

£. s. d.

Paid Messrs. Cole and Co. Brokers,
their account for the Sale of part of
the Cargo, Warehouse Room, &c. 1250 8 0

Paid the Fees of his Proctor for
Condemnation of part of the Cargo 218 0 0

Captain Simmonds being a dis-
tressed Man, the Owners and Agents
agreed, and did give him the pro-
duce of his private Adventure, which
sold for the Sum of - - - 750 0 0

Paid Expences at the Bull Inn,
Bishopsgate-street, whilst the Wit-
nesses were under Examination, and
during the time the Monition was
out before the Condemnation - - 157 13 0

Paid further Bill of Expences at the
Horn Tavern, in Doctors Commons 32 11 0

Paid two Men for looking after
the Ship after the Cargo was con-
demned, and until the Ship could be
disposed of, being upwards of six
months, at fourteen shillings per
week each - - - 33 12 0

Paid for Provisions, Fire, &c. du-
ring the said period - - - 20 0 0

Paid Agency upon £18,000. at
five per cent. - - - 900 0 0

Left in the hands of Messrs. Cole
and Co. to answer the Charges of
Freight and Expences, provided any

£. s. d.

should be decreed, and upon the Condition also, that they should become Securities to the Court of Admiralty - - - - - 4000 0 0

The Sum left to distribute, Fifty Shares to the Officers and Crew, and Fifty Shares to the Owners, making together One hundred Shares, at £80. per Share - - - - - 8000 0 0

That from the above Statement your Lordships will perceive, that there was only £8000. to distribute amongst the Owners, Officers, and Ship's Company, of the said private Ship of War The Daphne—the Captors. And your Petitioner, further most humbly begs to represent to your Lordships, that the Distribution of the above Sum of £8000. was actually made after the expiration of twelve Months, from the time of Condemnation, to the Daphne, and before any information of an Appeal being made on behalf of the Admiralty.

That your Petitioner, upon such distribution, only received as his proportion, and as one of the Owners of the said Privateer Daphne, the sum of £800. that your Petitioner begs to assure your Lordships, that during the dependance of this Cause, since the condemnation, and whilst it has been depending in the Admiralty, and before the Lords of Appeals, and since the distribution took place, he has been put to very considerable expences, much more than the sum actually re-

ceived by him as his share as Owner as aforesaid ; besides his having at this time, the whole of his Proctors Bill to discharge in the Admiralty, since the condemnation and in the Court of Appeals, which he is given to understand will amount to a very considerable sum, and besides other expences, loss of time, (as he has been obliged to be in town at different times, for a week, fortnight, and three weeks at a time.)

That your Petitioner further begs leave to represent to your Lordships, that the other persons mentioned in his former Petition, received the like sum as Owners, as he believes, as they were considered jointly concerned in the said Privateer ; that they are severally working men in different businesses, and in very indigent circumstances as he believes, insomuch so, that your Petitioner verily believes that some of them are not at this time worth one shilling, if their just and lawful debts were paid ; and the rest are in such circumstances, that if he was to apply to them, and was actually to proceed against them, for a part of the expences, and obtain a judgment against them, that it would be only adding distress to the distressed, and be the means of sending them to a prison.

That your Petitioner has been a married man for more than twenty-five years, that he has had a numerous family of children by his wife ; that he has three daughters at this time residing with him, and that his wife and daughters are solely dependant upon him for support and protection. And he further

begs to assure your Lordships, that it is upon your Lordships, determination his future destiny depends, and the almost existence of himself, his wife, and family, he having been unfortunate in business, by having lost several very considerable sums of money, debts due to him, and which he considers now as bad debts.

That your Petitioner's circumstances were such last war as to enable him, and he did at his own expence, raise a company of 100 men for the defence of Sandgate and the neighbourhood, in the county of Kent, where he was then a resident; for which his Majesty honoured him with a captain's commission, that he exercised the said men during the war at his own expence, and had them ready, if occasion required, to bring into actual service at any time in two or three hours.

That your Petitioner was also concerned at the same time in thirteen privateers of large dimensions, that is to say, from two to three hundred tons burthen, carrying from sixteen to twenty-four carriage guns each, with small arms and manned with from eighty to one hundred and twenty men, and which cruised against his Majesty's enemies; some on the coast of America, others in the Mediterranean seas, and the Western ocean, with various success; but which ended at last very much to the disadvantage of your Petitioner, as he begs to assure your Lordships' that he lost more than £10,000. by such privateers, to

the truth of which Charles Alexander Crickett, Esq. a Member in the present Parliament for the Borough of Ipswich, can fully testify, he having passed all or the greatest part of the commissions.

And your Petitioner further begs most humbly to represent to your Lordships, that on the 29th of November last, the Lords Commissioners of the Appeals in prize causes, were pleased upon the Petition of the Admiralty Proctor, to decree an attachment against Jeremiah Cullham, who was the sole owner of the said privateer, when her commissions were obtained, and at the time she set sail upon the cruise when the *Clarissa* was taken; to bring in the remainder of the proceeds in his possession, but directed that the same should not go under seal until after a month from said decree, and their Lordships also decreed a monition against Thomas Abbott, to bring in the remainder of the proceeds in his possession; that from what is before stated, and what is stated in his former Petition, (to which he humbly hopes your Lordships will have a reference,)

HE now most humbly prays your Lordships to take this case into your consideration, and that you will please to direct that no further proceedings may be carried on against the owners of the said privateer, or any of them, or against the captors of the said ship *Clarissa*, as to the property condemned, received by

them, paid and distributed as aforesaid. And that your Lordships will please to direct that a sum may be paid to him or to his attorney, out of the remaining proceeds now in the Registry of the High Court of Admiralty, (which amounts to between 7 and £8000,) sufficient to indemnify him for the expences that he has already been put to, and for the discharge of his Proctor's Bill; and that your Lordships will be further pleased to take into your consideration his family and his distressed circumstances, and grant him and the other owners and captors such other relief as your Lordships shall seem meet.

And your Petitioner will, in duty bound,
ever pray.

PHINEAS JACOB.

*To the Right Honourable the Lords Commissioners of
His Majesty's Treasury.*

The further Statement of Facts respecting the Cause
of the Clarissa, by the Rev. WILLIAM BARKER
DANIEL, Clerk.

HUMBLY SHEWETH,

That understanding Mr. Phineas Jacob, of Norwich, has presented a further Memorial to your Lordships, wherein he has stated the various expences which he has been put to respecting the Daphne privateer, and the capture and condemnation of the Clarissa;

Your Memorialist humbly conceives it to be his duty to lay before your Lordships copies of letters written by Mr. Jacob to Thomas Abbott, the Captain of the *Daphne*, *the originals of which letters*, and other papers, are now in possession of your Memorialist, and of George Gosling, Esq. the Proctor for the Admiralty. Your Memorialist begs leave to refer your Lordships to your Memorialist's observations made on each letter from the before-mentioned documents, which, he humbly submits, will refute the Memorial presented by Mr. Jacob. And your Memorialist trusts that your Lordships will be of opinion, that Mr. Jacob is not entitled to your Lordships' favour, from the statement which he has so falsely attempted to verify, in order to mislead your Lordships.

Your Memorialist begs leave to state to your Lordships, that Mr. Jacob, in one of the items in his Memorial, charges £.900 for *Agency*; the fact was, that Mr. Jacob was a part-owner of the *Daphne* himself, and was also made *an Agent*, as will appear from the following letter from Mr. Jacob to Mr. William Major, of Folkestone,

London, 14th Feb. 1796.

" OLD FRIEND,

" I am *part owner* of a cutter called the
 " *Daphne*, which *we sent* to Hambro' for a
 " *cargo of tobacco*, and which *we landed*
 " *safe*; the cutter we fitted out with letters

“ of marque, and on her passage to England
 “ she captured the Clarissa, a Dutch West
 “ Indiaman, worth at least £.35,000, and
 “ which is safely arrived in port. *I am ap-*
 “ *pointed one of the Agents*, and request you,
 “ on the receipt of this, would get a thousand
 “ pounds of Fector's notes, and come to me
 “ immediately, for *we can buy all the shares*.
 “ I am but a young Agent, and should be
 “ glad of your instructions (who are ac-
 “ quainted with this sort of business) how I
 “ am to act.

“ Your's, &c.

“ To Mr. William Major,
 “ Folkstone, Kent.”

PHINEAS JACOB.

A further proof of Mr. Jacob's Agency is shewn
 by the Agency Bills *.

Stamp
6 Shillings.

Stamp
1 Shilling.

Owners of the Daphne
Letter of Marque.

Parts.

George Cullum,	1-5th.
Jeremiah Cullum,	1-5th.
Thomas Abbott,	1-5th.
John Healey,	1-5th.
Phineas Jacob,	1-5th.

We the owners and proprietors of the private ship of war called
 the Daphne, belonging to the port of Aldborough, do constitute
 and appoint John Healey, of the city of London, merchant,
 George Cullum, of the town and port of Orford, gentleman, and
 Phineas Jacob, of the city and county of Norwich, tobaccoist,

This £.900 is an item *falsely* charged, as Mr. Jacob cannot have paid it, he standing as Agent, and also a part owner, and by that means *receiving profit* in a *double capacity*.

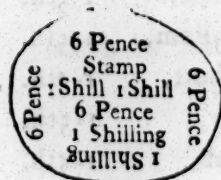
to be our lawful attorneys and agents, to act and transact for our mutual advantage and benefit, every matter and concern (whatever) respecting what ships or vessels that may be captured by the said private ship of war called the *Daphne*, whereof Captain Thomas Abbott is now commander, for which agency and trouble, we, the undersigned, do agree to allow the said John Healey, George Cullum, and Phineas Jacob, *£5 per cent.* to be deducted in the first instance from all proceeds that may occur, during twelve calendar months, from the date of these presents. Witness our hands the 30th day of October, 1795, at the town of Orford.

Witness,
Ralph Coulson,
John Hooper.

George Cullum.
Jeremiah Cullum.
Thomas Abbott.
John Healey.
Phineas Jacob.

Examined with the original deposited in court by an order made 17th of November, 1797, of which this is a true copy.

Joseph Keech, Assistant Deputy Register.
Launcelot Docker.



Dun at the Port of
Orford, 30th day
of October, 1795.

We Thomas Abbott, captain, Rewell Debney, lieutenant, William Joice, boatswain, Robert Thatcher, gunner, Robert Nunn, surgeon, and Thomas Cobham, Peter Greenwell, Jere-

Many other of the items, as expences, are either false, or *grossly exaggerated*; for instance, Messrs. Godwin and Coles' bill, which they have *sworn*

miah Barber, seamen, do constitute and appoint, Mr. John Healey, of the city of London, merchant, and Phineas Jacob, of the city of Norwich, tobaccoist, to be our lawful attornies and agents to act and transact for our mutual advantage and benefit to the best of their judgment, all and every matter and concern whatsoever, to use their endeavours to bring to condemnation, any ship or vessel, or their cargoes, which may be captured and brought or sent into any port in England, by the Daphne privateer, to which ship we now belong, and now bound on a cruise, and for which agency and trouble, we do agree to allow the above named John Healey and Phineas Jacob £5. *per cent.* on all proceeds.

Witness our hands the 30th day of October, 1795.

Thomas Abbott.

Rowall Debney.

William Joice.

Robert Thatcher.

Robert Nunn,

his \times mark.

Thomas Cobham,

his \times mark.

Peter Greenwell.

Witness,

Ralph Coulson,

John Hooper.

Examined with the original deposited in court by order made on the 17th of November, 1797, of which this is a true copy.

Joseph Keech, Assistant Deputy Register.

Launcelot Docker.

Under the authority of these Agency Bills, Messrs. Godwin and Coles sold the cargo of the Clarissa.

to, is no more than £.1053 7s. 4d. whereas Mr. Jacob states it at £1250. 8s*.

* Cullum likewise swears, that the money remained *a year and a day*, and was then distributed. Now the fact is, as appears by the following account, delivered in by Messrs. Godwin and Coles *upon oath*, dated 22d of April, 1797, in answer to a bill filed in the Lord Mayor's court by a creditor of Phineas Jacob, one of the *five owners* of the Daphne, that the whole money was paid in cash and bills, and the account closed, five months within the time *specified by law and sworn to by Cullum*.

Bills drawn by JACOB, HEALEY, &c. on COLES, GODWIN, and Co. on account of Cargo of CLARISSA, Captain Simmonds.

		£.	s.	d.
3 Sept.	Drawn by P. Jacob, J. Healey, G. Cullum, and J. Cullum, payable at 40 days after date, to William Allen, or order			
1796.				
		134	16	0
Ditto.	By P. Jacob, two months after date, to J. Healey, or order	600	0	0
Ditto.	By P. Jacob and Company, 40 days after date, to supply Simmonds, or order	500	0	0
14 Sept.	By P. Jacob, 1 month, to Levy Barend Cohen, or order	1141	0	0
28 Sept.	By J. Healey, 2 months, payable to his own order	250	0	0
Ditto.	By Ditto, 6 weeks, ditto	550	0	0
Ditto.	By Ditto, 1 month, ditto	500	0	0
29 Sept.	By P. Jacob and J. Healey, 1 month, to George Skelton	301	0	0

£3976 17 0

Your Memorialist further craves permission to remark, that Mr. Jacob has represented in his Memorial, that the other persons, as part Owners with him, are *severally working men* in different businesses, and in very indigent circumstances, in so much that some of them are not worth one shilling—the contrary however is the fact.

Mr. Jacob, independent of his contraband concerns, in which he is deeply engaged, has the first

	Brought over	£3976 17 0	£.	s.	d.
4 Oct.	By Ditto, at 2 months, to ditto	- -	561	18	4
Ditto.	By Ditto, at 35 days, payable to Samuel Davis, or order	- - -	327	2	4
7 Oct.	By P. Jacob, for Himself and Company, at 2 months, to his own order	-	500	0	0

£ 5365 17 8

CASH paid to HEALEY, JACOB, &c. by COLES, GODWIN, and Co.

26 July	To P. Jacob, George Cullum, and Jeremiah Cullum	- - -	1000	0	0
1796					
3 Sept.	To Ditto, Ditto,	- - -	2007	10	3
24 Sept.	To John Healey	- - -	200	0	0
29 Oct.	To William Wenham	- - -	3568	6	4
Ditto.	To James Heteltine	- - -	218	3	11
Ditto.	To Jeremiah Cullum	- - -	530	19	6
Ditto.	To George Cullum	- - -	542	16	11
Ditto.	To the order of the said agents	- - -	338	15	4

£ 8406 12 3

July 1796, condemned.

February 1797, closed account, 7 months.

Expences of sales, &c. by Coles, Godwin, and Co.

1053 7 4

£ 13,772 9 11—£ 14,825 17 3

Retail Tobacco Shop in Norwich ; and altho' ever pleading poverty, is a Man of Substance.

Mr. John Healey has likewise a Tobacconist's Shop in Bishopsgate-street, which is in full Trade, and carried on to a large extent ; he likewise deals with Mr. Jacob in the Smuggled Tobacco, and he is possessed of Property in the Funds, and in Annuities.

Mr. Jeremiah Cullum is a Coal Merchant, has a Sloop in the Corn Business, and is a man of considerable Property ; he also possesses a snug Vessel or two for the contraband Trade, in which he is deeply concerned on the Suffolk and Norfolk Coasts.

Mr. William Wenham, Junior, inherits something very handsome from the labours of his ingenious Father, who was at last obliged to leave this country on account of Forgery, in defrauding his Majesty's Revenue, after having long reigned the Superior of the Contraband Importers.

Mr. George Cullum, the Brother of Jeremiah Cullum, since dead, but who died possessed of a considerable Landed Property, was a noted Smuggler on the Norfolk Coast, and had been Outlawed.

And your Memorialist further begs leave to solicit your Lordship's attention to the Fact of no other Name than Jeremiah Cullum appearing as Owner of The Daphne, during a legal process of four Years in the Commons, and who has sworn

himself as sole Owner * ; whereas there were *five Owners* of The Daphne, whose names and situations in life are herein before stated, and which

* *Affidavit of Jeremiah Cullum, owner of the Daphne. Sworn 28th November 1797.*

Appeared personally Jeremiah Cullum, of Orford, in the county of Suffolk, merchant, and made oath that he is the owner of the private ship of war, Daphne, Thomas Abbott, commander; and that the said private ship of war captured the merchant ship or vessel Clarissa, whereof Supply Simmonds was master, which was proceeded against in the high court of Admiralty; and on the 21st of July, 1796, the said cause came on for hearing, when the Judge was pleased to condemn one-fourth part of the said ship and the goods claimed by George Henry Apthorpe; and likewise was pleased to condemn the unclaimed part of the cargo, and ordered further proof to be made of the other one-fourth part thereof; And this deponent further saith, that the one-fourth part of the goods claimed by George Henry Apthorpe, were in due time appealed to the right honourable the Lords Commissioners of Appeal; And this deponent further saith, that the unclaimed part of the cargo being condemned, he, this deponent, employed Messrs. Coles, Godwin and Coles to sell the unclaimed part of the cargo of the said ship, which was accordingly done; And this deponent further saith, that the money arising from the sale of the said goods, was paid to himself and the agents appointed by the officers and crew of the said ship; And this deponent further saith, that *the usual time* allowed by act of parliament having elapsed from the condemnation of the said goods, *to wit, a twelvemonth and a day*, there being no claim (in the Admiralty Court), the money, as aforesaid, was distributed agreeable to the agreement entered into by himself with the officers and crew of the said vessel, save and except 4000l. which remains in the hands of Messrs. Coles, Godwin and Coles, to answer the reserved question of freight and

Owners are set forth in the Agency Bills, and who purchased the whole of the Shares of the Crew, and divided the proceeds, which, as fully stated by Messrs. Coles and Godwin, amounted to £13,772. 9s. 11d. and these Shares were bought and held in the following proportions :

expences which may hereafter be decreed ; And this deponent lastly saith, that the money was so as aforesaid distributed, *having awaited the accustomed time allowed by act of parliament.*

JEREMIAH CULLUM.

In the Daphne's register, 12th of September 1795, J. Cullum swears himself sole owner. He has persevered in stating himself to be the owner, in his affidavit of the 28th of November 1797 ; the credit which ought to be given him upon this point, the foregoing agency bills determine.

Upon the question of Ownership, and of the time the money remained before distribution, Mr. Cullum is perjured, nor can he shelter himself by alleging, that he received the money from Messrs. Coles and Godwin's, and retained it in his own hands, until the period sworn to by him of a *twelve-month and a day had expired*. The parties in whose favour the bills were drawn, and to whom the cash was paid, effectually *prove the contrary* ; and the amount of the shares bought from the officers and crew, were all purchased by the Owners or their Agents, at a shameful low value, (and which value was managed by different artifices, such as the cargo being damaged so as scarcely to pay law charges, &c. &c.) and were all included in the various sums paid by Messrs. Coles and Godwin, as stated in their account within the *seven months* ; neither was there *any agreement* entered into by Cullum with the officers and crew of the Daphne, the crew had not mentioned him in *their agency bill*, and he had assigned over his authority to *three* of his brother Owners, in *that signed by the proprietors* of the Daphne.

	Shares.	Shares.
Phineas Jacob, as one-fifth Owner	10	
Phineas Jacob bought of Robert Thatcher for £80. - - -	4	
He also bought of John Johnson for about £40. - - -	3	
He also bought of Thomas Coppin for £60. - - -	3	
He also bought of Robert Nunn for £75.	4	
	<hr/>	24
John Healey, as one-fifth Owner -	10	
He bought of John Last for £200. -	5	
He also bought of Emanuel Pleyer for about £35. a Share - - -	8	
Ditto of Samuel Davis for about £40. a Share - - -	6	
Peter Gronswell for £20. - -	1	
William Joyce sold to William Rowe, of Newcastle, for which he received £169. and Mr. Rowe afterwards fold them to John Healey - -	4	
	<hr/>	34
George Cullum, as one-fifth Owner -	10	
	<hr/>	10
Jeremiah Cullum, as one-fifth Owner	10	
	<hr/>	10
Thomas Abbott as one-fifth Owner -	10	
As Captain - - -	12	
	<hr/>	22
	<hr/>	100

Which Shares he sold to William Wenham, of
Hastings, in Suffex, for about £1600.

Mr. Jacob, in his Memorial, has stated that he received his share of £.8000 only, being £.800 whereas he being *one-fifth* Owner, and being a purchaser of *fourteen shares*, which, at *eighty-pounds* per share (*to take his own statement*), amounts to £.1920 for the *twenty-four shares*, independent of his receipt as AGENT at 5 per cent. upon *the gross proceeds*.

Your Memorialist further begs leave to request your Lordships' attention to the Declaration made by Captain Abbott, to the Commissioners of his Majesty's Customs, and which is as follows.

MAY IT PLEASE YOUR HONOURS,

I crave permission to state the Transactions of the Daphne in this Letter, which incloses my humble Petition, and which Facts your Honours' Petitioner is ready to depose, if your Honours should deem him worthy of your Clemency.

London, February 24, 1800.

(Signed) THO. ABBOTT.

In September 1795, the Daphne was bought of Mr. William Wenham, of Hastings, in Suffex, and had Letters of Marque obtained for the convenience of coming in and going out of port without question, the having a running Boltsprit, and for carrying of guns. That the plan of smuggling, under the Authority of the Letters of Marque, was suggested by Mr. Phineas Jacob, of Norwich,

Tobacconist, *a fifth part Owner of the Daphne*; and the vessel was accordingly fitted out for the especial purpose of Smuggling, under the Authority, and with the aid of such Letters of Marque. That in October 1795, two Bales of Bandannas were shipped on board the Daphne, at the port of London, for Hambro', by Phineas Jacob and John Healey, of Bishopsgate Street, London, Tobacconists (*also a fifth part Owner of the Daphne*), and which two Bales were re-landed in the said month in Orford River, by the order of the said Phineas Jacob and John Healey.

That the Daphne sailed for Hambro' for the *express design* of taking in a cargo of Tobacco and Tobacco Stalk Flower, for which your Petitioner had a *letter of credit* given him by *John Healey*, to the House of Reignard and Company at Hambro'. That accordingly the Daphne was loaded with four hogsheds of Tobacco, and five tons of Tobacco Stalk Flower, or Sand, at Hambro', and arrived at Ramsholt Dock, in Woodbridge Haven, in the night of the 18th January 1796, where the said cargo of tobacco, &c. was landed, and *was there received by Phineas Jacob, George Cullum (since dead), and Jeremiah Cullum, and sent away by them in carts prepared for that purpose.* That your Petitioner received on the 29th of January 1796, at Ipswich, in Suffolk, the sum of £.32 being *one-fifth* of £.160 for the *freight* of such tobacco, &c. from Hambro' to

England ; and which sum of £.32 *was paid him* by Phineas Jacob and John Healey, who at the same time paid to George Cullum and Jeremiah Cullum, *the other two fifth part Owners* of the Daphne, the sum of £.32 each, as being *one-fifth* of the £.160 freight. And your Petitioner, at the same time and place, also received from the said Phineas Jacob and John Healey the further sum of £.36 16s. for wages and expences. That from the *earnest solicitations* of Phineas Jacob, and by *his representations*, “ that if certain Affidavits were “ not made, it would occasion your Petitioner “ imprisonment for life ;” he has been induced to make these Affidavits, which *were exhibited* in Doctors Commons, in a cause respecting the Clarissa, a prize taken by the Daphne ; but your Petitioner humbly begs to declare, that the aforementioned account of the Daphne’s *re-landing the Bandannas, and landing the cargo of Tobacco, &c.* is strictly true, and which he is ready to prove.

(Signed) THO. ABBOTT.

The above (with Mr. Jacob’s Letters annexed to this Memorial,) illustrates to demonstration, that the information given by Captain Abbott, of Mr. Jacob’s being the *planner* of smuggling, *under cover* of the Letters of Marque, was perfectly true, and which your Memorialist submits, is an additional reason why Mr. Jacob’s Memorial ought not to be regarded.

Your Memorialist further begs leave to recall your Lordships' attention to the several Memorials presented to your Lordships, which state fully the several illegal transactions, practised by Mr. Jacob, and the Owners of the *Daphne*, pending the course of this cause, from which your Memorialist trusts that your Lordships will be of opinion, that Mr. Jacob, or any of the other Owners, are not intitled to your Lordships' Favour.

COPIES OF LETTERS

From Mr. *Phineas Jacob* to Captain *Thomas Abbott*,
Commander of *The Daphne* private Ship of
War.

Mr. ABBOTT,

SIR,

RECEIVED your favour and am sorry to learn your Vessel is stopped, hope it will not be long—if you should go to Hambro' as you say you intend doing, I will see you before you go—the Snuff I would have you pack into five parcels, four Bags in a Pack, which will make a Square Package; get some Ruffia Duck or Ising, sew them up in that and cord it, and direct to Mr. Roberts, London, to be left at the Inn till called for; take them into your Cart, and on Thursday Morning early next take them to Saxmundham, to Bennett, the Bungay Carrier, who puts up at the Bell. It would be best for you, or some one you can

trust, to see Bennett on the Wednesday Evening, and consult with him how and where he will take them up—I saw Bennett yesterday here and told him of it, he therefore expects you at the time, and will be prepared; if you cannot get them ready, so as to be there at the time mentioned, let me know by return of Post, that I may acquaint Bennett, who will be here on Tuesday.

I remain respectfully,

Norwich, 5th July

Yours truly,

1795.

P. JACOB.

N. B. The Pleasure Boat draws too much Water for this River, as we have none here draws more than three and a half feet.

OBSERVATIONS.

This Letter ascertains the fair practice of Mr. Jacob's trading, previous to the *Dutch Commission* of The Daphne being issued.—The Daphne was at this time, however, equipped with *French Letters of Marque*, which were dated 1st June 1795.

Norwich, 16th October, 1795.

DEAR SIR,

I duly received your favour, and find you have at last procured the needful, except the *bond being given*; Mr. Healey has refused, not being acquainted with the business, he can and

must find you one among his acquaintance. I have wrote him this post on the subject, and also desired him to advance you some money. If you could find Henry Major, he would be bound for you directly, he lodges at No. 6, East-street, West-square, St. George's-fields; if he cannot do it himself, he will find some one that will for *a guinea or two*; as soon as you receive this, call on Mr. Healey, and shew him this, and then lose no time in getting clear, and write me to-morrow night: don't fail, as its high time this business was finished.—I remain with respect to Geo.

Dear Sir,

Yours truly,

P. JACOB.

The above proves Jacob's *directions for obtaining Securities for the Bond* to be given in the shipping of the Bandanna Handkerchiefs, which The Daphne took in at London for Hambro', but which Handkerchiefs were landed in Orford River, and for which, and also for assisting in the landing of the Cargo of Tobacco at Ramsholt Dock, in January 1796, (which Cargo the Daphne had on board when the Clarissa was captured.) Johnson was convicted in July 1799, and Mr. Jacob prevented *himself* from being convicted the 5th December last, *for the same offence*, by compromising the matter in

Court for £100. and to pay £190. Costs.
A Copy of the Judgment against him is
hereto annexed.

Norwich, 21st October 1795.

DEAR SIR,

YOURS of the 20th is now before me, and find you have got your Commission, and find you was all ready for Sea on Monday, but getting the Goods on board, when Mr. Healey was not to be found. I hope you have seen him, and that now all is ready, and shall expect a Letter from you to-morrow without fail; I would have come up myself, but can no way be spared. I would have sent you up £20. this day, but have £100. to pay to-morrow. I have wrote to Mr. Healey this day, telling him he must advance you the £20. if you want, and what Money you want for Guns and Stores, you must draw on Healey for, at a month or two, which is the regular mode in fitting out a Privateer. I hope to have the pleasure of seeing you in the country in a day or two, when you shall have my advice, and every assistance in my power. I remain with respect to Geo.

Dear Sir,

Yours truly,

P. JACOB.

N.B. See Healey and dont leave him till the business is done, for there is no knowing what you are losing by this detention.

Mr. Jacob here desires Abbott to see Healey and get the Goods (the Bandanna Handkerchiefs alluded to in Letter 16th October) on board, and to see Healey and get the £20. he wanted, and to draw on Healey for the amount of Guns and Stores, and pressing him not to leave Healey till the business is done.

Norwich, 13th November 1795.

DEAR SIR,

I RECEIVED your favour, and was in hopes you had escaped that heavy gale of wind; I think the plan of the Blackingburg Boat is a good one, but I would not advise you to lose any time in getting to Hamburgh, as that voyage is much wanted indeed. I am surpris'd Healey did not accept the Bill; he went from here on Saturday, and said the Bill should be accepted, there must be some mistake; you must draw on him for what you want, or if you like it better, you may draw on me. I will send you the Handkerchiefs by the Carrier, on Tuesday, without fail; I did not get home in time to send last week. I will write to Healey to-morrow the particulars, and also about the Commission; write me again before you sail, and write me also when you arrive at Hamburgh, and remain, wishing success and respects to Mrs. Abbott.

Dear Sir,

Yours truly,

P. JACOB.

In this Letter Mr. Jacobs urges Captain Abbott to hasten his Voyage to Hambro' for the Tobacco, which was very much wanted, and to draw upon Healey or him for the money required.

This was the Cruise when the Clarissa was taken, and which Cruise was so pompously set forth by the *Owners* of The Daphne in the *Affidavits exhibited by them* in the Commons, as being *purposely undertaken* by The Daphne to *intercept* the Dutch West Indiamen, coming from Surinam. And it is a most extraordinary fact, that although Mr. Jacob is a *fifth Owner* of The Daphne, the Proceedings have been carried on in the Commons for upwards of four Years, and that in the whole of those Proceedings, supported by Affidavits, *no person whatever should appear as Owner*, but Jeremiah Cullum.

London, 5th March 1796.

DEAR ABBOTT,

I came by Ipswich on purpose to see you, but heard with pleasure at the Griffin, you was out and gone home, I am surprised I have not heard from you, let me hear from you by return of post, and say very particularly how you settled your business; Healey is not yet returned from Newcastle,

and till he does, nothing can be done in the Commons, when he arrives will write you again.—Respects to Mrs. A. and believe me,

Your sincere friend,

P. JACOB.

Mr. Healey's stay at Newcastle is here given as a reason why nothing could be done in the Commons till his return: this proves Mr. Healey, one of the Owners and Agents, was at Newcastle, to take upon him the authority which the *Agency Bills* delegated to him.

DEAR ABBOTT,

I saw Amos Goodwin, and he tells me the Daphne is gone to Hamburg, and George with her; write me by return of post without fail, and say if this is true for my government.—I remain in haste,

Dear Sir,

Yours truly

Norwich, 3d April, 1796.

P. JACOB.

The above shews Mr. Jacob sent for goods to be brought from Hambro', and smuggled by the Daphne, *after the voyage* when the Clarissa was captured.

DEAR ABBOTT,

I received your favour, but by the Lord I cannot send you either draft or bank at

present, having upwards of £.2,000 locked up in tobacco and handkerchiefs, but shall soon come into cash. Jery received your money for you on Saturday. I am but just got home, therefore excuse haste.

Yours truly,

P. JACOB.

Norwich, 1st November, 1796.

Mr. Jacob here excuses himself from sending money to Abbott, as he had £.2000 engaged in Tobacco and Bandanna Handkerchiefs, and that Jery Cullum had received money for Abbott.

DEAR SIR,

I received your favour of yesterday, I think we may laugh at Barker Daniel, and all his crew of scoundrels; pray have you any order from *the Admiralty to produce your papers*; if you have, let me know immediately, and I will be with you; *if you have not*, take no kind of notice whatever. If Major is concerned, *I can stop his mouth in an instant*. Write me very particularly of this circumstance for my government; and if you really have an order from the Admiralty, we must be very concise in respect to the papers; you may send the snuff you mentioned in a former letter.—Respects to Mrs. and remain,

Yours truly,

P. JACOB.

Norwich, 17th March, 1797.

Mr. Jacob here speaks of the information given by Mr. Daniel, as being of *no consequence*, whereas it has been stated by *Jacob*, and *sworn to by him*, that the claim of the Admiralty was *not known by the owners until after twelve-months from the decree of the Court of Admiralty*; that is not true, for the decree was on the 21st of July 1796, and Jacob's letter is written within *eight months* afterwards, which plainly shews that the Claim of the Admiralty was *known to the Owners*, and although it is stated in *Jacob's Memorial*, that *the Money was not distributed till after the expiration of twelve Months from pronouncing the Decree*, yet the Owners divided this Money *pending the claim of the Admiralty*; and that Mr. Jacob had Henry Major so far in his power, as to compel him to do *any act* that would best suit *Jacob's* purposes, and yet Mr. Henry Major has *petitioned* your Lordships for Remuneration.

MR. THOMAS ABBOTT.

DEAR SIR,

I RECEIVED your Letter and am surprised at the Contents; you say you will be here either on Sunday or Monday next, I shall be at Schole Inn on Sunday, by appointment, in the afternoon; I'll thank you to meet me there with-

out fail, that we may hit on some plan to set the matter on a plan to get hold of *Thatcher*. In haste, believe,

Norwich, 16th June,

Yours truly,

1797.

P. JACOB.

Mr. Jacob here desires Abbott to attend him, that some plan might be settled to get hold of *Thatcher*, one of the Crew of The *Daphne*, and who had made an Affidavit of the *illegal practices* committed by the Owners. This Letter is also within *twelve Months* from the Decree.

CAPTAIN ABBOTT,

DEAR SIR,

I saw the person who held the £91. Bill, and told him they must look to J. Healey for payment of it, he having received the Money of the Owners to pay it. I also spoke to G. Healey upon it, who promised me he would write his brother, and get his order to pay it. I shall be at Woodbridge on Tuesday Morning next, pray be at home.

Norwich, 9th July,

Yours truly,

1797.

P. JACOB.

This Letter shews Mr. Jeremiah Cullum is not considered as *sole* Owner.

Norwich, 3d Nov. 1797.

CAPT. ABBOTT,

DEAR SIR,

I RECEIVED yours and am sorry to hear of your losses, as I should be for my brother's. I am very glad to hear you have got hold of *Christian*, and a *counter Affidavit* should be got instantly; also *Johnson*, without loss of time. I am very much surpris'd Mr. BUCKTON should think I neglect the Business. I have done every thing in my power to frustrate the designs of the Parson and his Crew, and have expended a great deal of money, and have *now* to support *Major*, but to the point; you say you want money, and for want of a few pounds the whole may be lost; what is to be done? I have very lately sent to Hamburgh for a quantity of *Tobacco*, which took all the Cash I could conveniently raise, therefore at present I have only £10. by me, which you will receive inclosed; for God's sake get these *two fellow's Affidavits* instantly, and send them to me, as I am going to London next week, and shall strive all my possibles to get the matter on, so that you and I may be reimbursed. Respects to Mrs. A. and believe me,

Dear Sir,

Yours sincerely,

P. JACOB.

Mr. Jacob in this letter expresses his satisfaction at Abbott's having got hold of *Christian Gafman*, who was an evidence for the crown, and presses Abbott to get a counter affidavit from *Gafman*, to *contradict* what he had *formerly sworn*; desires Abbott also to get an affidavit from Johnson, one of the *Daphne's* crew, and that he (Jacob), could not send Abbott but £.10 as he had very lately sent to Hambro' for a quantity of Tobacco.

These affidavits were afterwards (with others), prepared under the direction of Mr. BUCKTON, who had the conducting of the business in the *Commons*, on the part of the *owners*, as the only method of saving the cause; and the owners met him, and were all present (namely, Phineas Jacob, George Cullum, Jeremiah Cullum, John Healey, William Wenham, the younger (whose father bought Captain Abbott's shares), at the Horn Tavern Doctors Commons, at such planning of the affidavits; from whence Captain Abbott, at *their express desire*, went into the country to find up the men, and get them sworn, which was accordingly done at Harwich. Captain Abbott's expences for collecting the men, including the money given to the sailors for *swearing* these affidavits, (*which were never read over to them*),

and the law charges at Harwich, which together amounted to £.51 7s. 5d. were never repaid him.

This was as gross an attempt to defeat justice by appropriating *perjury* to the particular points that were necessary to be concealed from the notice of the court, as ever was contrived or resorted to, and by similar manoeuvres, the cause has been protracted, and government put to a heavy expence; and Mr. Jacob has no ground to ask for payment of his *Proctor's Bill*, which has been contracted in defending a cause, which was only sustained by *fraud and professional evasion*, in hopes of overturning the just claim of the Admiralty.

DEAR SIR,

I received your favour and acquaint you I go for London this day, write me at the Bull, where I am to find the parties you mention, and I will endeavour to get it settled. I wrote to George Healey some time ago, about, and thought he had given the parties satisfaction; pray dont neglect the *affidavits*, and send them to me at the same time.—I am respectfully,

Dear Sir,

Yours truly;

Norwich, 19th November, 1797.

P. JACOB.

This letter urges Abbott not to neglect getting the affidavits, and forwarding them to him in London.

London, December 4th, 1797.

DEAR SIR,

I am sorry to tell you we could not get the matter on Saturday, on account of no Law Lord being on the bench, therefore it stands over till Saturday next; it will be highly necessary to keep the parties *close*, particularly *Christian*, let Jery know this. I called on Mr. Lyall, and my opinion now is, you would do well to settle it, as I find on inquiry that the assignees of Brown have no cash in hand, nor do they expect any, and they are not obliged to pay further than what they have.—
In haste,

Yours truly,

P. JACOB.

Mr. Jacob here states his concern at the appeal before the Lords not coming on when expected, and desires all the sailors might be kept close, especially Christian Gasman, who had made a counter affidavit (as before observed), to that made by him on the part of the Admiralty, but which counter-affidavit was never read over to him, and requests Abbott to inform Mr. Jery Cullum of particulars.

CAPTAIN ABBOTT.

I wrote to Mr. J. Cullum to meet me with you at Ipswich, but I was disappointed in coming, on account of Mr. Buckton not having the Memorial ready; they have again altered the plan, they now wish you to send you the particulars respecting the capture of the two doggers, the reason why you was not on board, and Debneys proceeding without you; also setting forth your expence in fitting out the Daphne, and every particular circumstance of real facts, such as you can swear to, and send it with all possible speed to Mr. Buckton's for them to draw affidavits from, and you have every prospect of getting something very handsome from the proceeds.—My respects to Mrs. A. and Mr. J. Cullum, and remain,

Yours truly,

London, 21st June, 1798.

P. JACOB.

N. B. Lose no time in sending the above.

Mr. Jacob here excuses himself from meeting Mr. J. Cullum and Captain Abbott, because Mr. Buckton had neglected to have the Memorial ready; desires Abbott to state his expences in fitting out the Daphne, and such facts as he could depose to, that Mr. Buckton might frame affidavits from, and by that means he would obtain something handsome from the proceeds of the two Doggers.

FRIEND ABBOTT,

I duly received your favour, and in answer acquaint you, that I am in hopes we shall be able to get the prize business through this next term; I shall attend for that purpose in London, and hope also to get those people at *Ipswich liberated*. I had a letter from *Johnson* a few days back, saying he had no hand in sending the insulting letters I received. I inclosed him a one pound note, and told him I would do all I could to get him out. There is a number of cards about here brought over by the packets, therefore if yours are not very good, they would not sell here.—I am in great haste,

Dear Sir,

Yours truly,

P. JACOB.

Norwich, 23^d October, 1798.

This letter informs Captain Abbott that he (Jacob), is in hopes to get the prize business through the next term, and also to get the men liberated from Ipswich Gaol, who were arrested for *landing the goods out of the Daphne*, and tells Abbott, unless his cards are very good, the packets so stocked the market, that they would not sell at Norwich.

Norwich, 18th December, 1798.

DEAR SIR,

I duly received yours of yesterday, which very much surprises and alarms me. I have wrote to Mr. *Buckton* about it this post for his opinion, how we ought to proceed, and shall have his answer Thursday; I therefore beg, on the receipt of this, you will come to me by Mail Coach, and bring your papers with you, for I assure you I am in very ill health, and not fit to come to you. I have enclosed the *Petition*, which you had best send to *Jery*; *any one may write the Names of those that are not in the way.* Pray do not neglect coming to me, for I think it of great consequence.

Yours truly,

P. JACOB.

Mr. Jacob desires a *Petition* respecting the *Clarissa*, which he encloses, might be signed by *Abbott*, and taken by him to *Jeremiah Cul-lum* for his Signature; and that *any one* might sign the names of those not immediately to be found.

FRIEND ABBOTT,

I'll thank you to inform me if you have heard any thing more of the Business of the *Clarissa* since you and I met here, if so, I'll thank you for particulars by return of Post. Have you or can you get any *Weed*? I am in great haste,

Norwich, 28th January

1799.

Yours truly,

P. JACOB.

- **Mr. Jacob** desires **Capt. Abbott** to write him any particulars that had transpired respecting the **Clarissa** since their Meeting, and likewise to inform him, if he (A.) had or could procure any *Weed*, that is, *Smuggled Tobacco*.

CAPTAIN ABBOTT,

I RECEIVED your favour of the 2d Instant, you wish to know how matters go on, I assure you very badly, in respect to Johnson, there never was a more infamous business to *convict* that poor fellow on the testimony of *Gasman* alone. Toby's Evidence being of no avail, the Attorney General said he was a damned Scoundrel, and he hoped the Parties would punish him by an Action for Perjury. CARY writes me there is no doubt but Johnson would get his discharge by petitioning the Attorney General. There are 100 things I wish to say to you, but cannot say by Letter, I must come down and see you; write me a few Lines, saying when you will be at home. In the interim remain,

Dear Sir,

4th July 1799.

Yours truly,

P. JACOB.

This Letter gives an Account of Johnson's conviction, and desires an interview with Abbott.

DEAR SIR,

ENCLOSED is an Order for *two Hogsheads* of Tobacco, which is all I can give an Order for at present ; you may risk one of them if you please, but write me before you fail whether or not ; I wish you could take *Gasman* with you, and I think if *Thurlow* was out of the way, the better, for he is a bad one. I wish you would send me a Letter, *such an one* as I might shew Mr. BUCKTON, saying the Letter you gave *Munnings* was only to amuse him, and not intended to do *any injury to the Cause*, &c. I think I shall go to London next week, and do all I possibly can.

Yours, &c.

17th Oct. 1799.

P. JACOB.

Mr. Jacob in this Letter, encloses an Order for two Hogsheads of Tobacco, to be delivered to Abbott at Hambro', desiring him to take Gasman with him and also Thurlow, that they may be *out of the way* ; requesting likewise, that Abbott would write a Letter to him, which he might shew Mr. BUCKTON, (who conducted the *Owners' business in the Commons* respecting the Clarissa ;) in which Letter Abbott was directed to say, that the Letter he (A.) had given Captain

Munnings to deliver to Mr. Bayford *, the nominal Proctor of the Owners, was only to amuse Munnings, and not to *do any injury to the Cause, &c.*

* SIR,

Finding I shall not be able to contradict the allegations made by the Admiralty Proctor in the cause of the Clarissa, Supply Simmonds, master, I am to desire you will not give any further opposition to the sentence of the Court of Admiralty (condemning the property as a prize to the Daphne) being reversed, but that you will consent to the property being condemned as a droit of Admiralty.

I am, your humble servant,

28th of April, 1799.

THOMAS ABBOTT.

To M. BAYFORD, Esq.
Doctors Commons, London.

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